

Adjournment

On motion of Senator Weinert, the Senate, at 11:40 o'clock a. m., adjourned until 10:00 o'clock a. m., next Monday, February 10, 1941.

SIXTEENTH DAY

(Monday, February 10, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Chadick Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 6, 1941, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Formby.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Reports of Standing Committees

Senator Sulak submitted the following report:

Austin, Texas
February 10, 1941

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 103, A bill to be entitled "An Act to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with committee amendment striking out Section 6.

SULAK, Chairman.

Senator Moore submitted the following report:

Austin, Texas
February 6, 1941

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 91, A bill to be entitled "An Act to declare and recognize for all tax purposes post, camp or unit exchanges established and operated

within the State of Texas, by or in conjunction with the United States Military Forces, or by or in conjunction with the Civilian Conservation Corps, instrumentalities and agencies of the United States and for other purposes."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Sulak:

S. B. No. 122, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture in this State for a period of at least six (6) months prior to said date and who failed to obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this Act goes into effect in which to file with the Board of Architectural Examiners the affidavit and pay the fee of Twenty-five (\$25.00) Dollars in order to obtain a certificate authorizing such person to practice Architecture in the State of Texas, as provided in said Act, and further amending said Act; and declaring an emergency."

To Committee on State Affairs.

By Senators Aikin, Van Zandt and Chadick:

S. B. No. 123, A bill to be entitled "An Act appropriating Eight Million, One Hundred Twelve Thousand, Seven Hundred Seventy-five (\$8,112,775.00) Dollars for the school year ending August 31, 1942, and Eight Million, One Hundred Twelve Thousand, Seven Hundred Seventy-five (\$8,112,775.00) Dollars for the school year ending August 31, 1943, or so much thereof as may be necessary for the purpose of promoting the equalization of educational opportunities afforded by the State of Texas to all children of scholastic age within the State; providing for the allotment for Salary Aid, Transportation Aid, and High School Tuition Aid, and appropria-

tion for administrative expenses; providing for the expenditure of said funds by the State Superintendent of Public Instruction through the Director of Equalization in the Department of Education; attaching conditions, regulations, and limitations relative to the expenditure of such appropriation; providing certain requirements such as scholastic population of districts, tax levy, school budget, and average daily attendance; providing certain requirements of school districts concerning the application for aid, providing a maximum salary schedule and other current expenses based upon the teacher unit basis and the length of term; providing Two (\$2.00) Dollars per pupil per month transportation aid for all pupils living more than two and one-half (2½) miles from school attended and transported in the approved transportation system, such transportation based upon budgetary need and upon a county unit basis; providing high school tuition for high school students whose grades are not taught at home and placing certain restrictions thereon; prescribing certain duties of the State Superintendent in regards to the administration of the Act, including the appointment of the required authorized personnel and providing for appeals from his decisions to the State Board of Education; prescribing the function of the Deputy State Superintendents so appointed; providing for the transfer by contract of one district to another at the option of the school trustees or a majority of the qualified voters of the district; placing restrictions on the disbursement of funds to the district and after the funds are received by such district; providing for counties having no governing school board; making provisions for school districts having University lands or federal owned lands within such district's boundaries; placing penalties for failure to comply with the law on the part of the district; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Finance.

Senate Resolution 31

Senator Metcalfe offered the following resolution:

Whereas, A large group of prominent women who are members of

the Business and Professional Women's Club of Brownwood will be present in Austin on February 11 to observe the operations of government; now, therefore, be it

Resolved, by the Senate of Texas, That there be extended to these visitors a cordial welcome to their capitol and that the privileges of the floor be extended to their President and Legislative Chairman.

The resolution was read and was adopted.

Senate Resolution 32

Senator Fain offered the following resolution:

S. R. No. 32, Relative to investigation of Department of Public Welfare.

Whereas, On the 27th day of January, 1941, the Senate adopted S. R. No. 19, inviting the members of the Board of the State Department of Public Welfare and the executive secretary thereof to appear before the State Senate, sitting as a Committee of the Whole Senate for the purposes set out in said resolution; and

Whereas, It now appears that the committee heretofore appointed has not fully completed its work, and it further appearing that the Senate is desirous of having a full, complete and accurate account and report of the matters and subjects referred to in said S. R. No. 19; now, therefore, be it

Resolved, by the Senate of the State of Texas, That the committee heretofore appointed by the Lieutenant Governor be and it is hereby authorized and directed to continue the hearing and inquiry, provided, however, that said committee shall be in existence for a period not to exceed thirty days, unless otherwise directed by the Senate; and be it further

Resolved, That no expense shall be incurred by said committee in the discharge of its duties, except that an accurate record of the proceedings thereof shall be kept and filed with the Secretary of the Senate as provided in S. R. No. 19.

HILL,
LOVELADY,
FAIN.

The resolution was read; and on motion of Senator Fain and by un-

animous consent, it was considered immediately.

The resolution was adopted.

Senate Resolution 33

Senator Lemens offered the following resolution:

S. R. No. 33, Naming Miss Carrin Foreman Mauritz Queen of the Senate.

Whereas, We have among us during the Forty-seventh Session of the Texas Legislature a charming and adorable young lady who by her poise, experience, and talent is superbly qualified to perform the duties and accept the perquisites of the honored position of Queen of the Texas Senate; and

Whereas, This accomplished and outstanding young lady is Carrin Foreman Mauritz, the daughter of our distinguished new member, The Honorable Fred Mauritz; and

Whereas, It is the desire of this body to so honor Miss Mauritz; now, therefore, be it

Resolved, That she be officially designated as Queen of the Texas Senate during the Forty-seventh Session of the Texas Legislature; and be it further

Resolved, That her picture be placed on the picture panel as Queen of the Texas Senate with the members of this session; and be it further

Resolved, That a copy of this resolution be sent to her, and that she serve in good health and happiness not only during her term of office, but also during her entire life.

LEMENS,
LOVELADY,
LANNING,
VICK,
GRAVES,
METCALFE,
COTTEN,
FORMBY,
STONE,
WINFIELD.

The resolution was read and was adopted.

Senate Resolution 34

Senator Moore offered the following resolution:

Whereas, The livestock industry is one of the most valuable and important of the State of Texas; and

Whereas, It is of the utmost importance to such industry and to the people of Texas as a whole that the care, feeding, and improvement of the breed of livestock in this State be fostered and encouraged; and

Whereas, The Houston Fat Stock Show has made a most valuable contribution to the livestock industry and has created a tremendous amount of interest among the producers of livestock and the people of Texas in this great industry and has done much to encourage its further progress and development; and

Whereas, The Fifth Annual Houston Fat Stock Show is now in progress, and the work and efforts of the officers and directors of such show are reflected by the fact that each year such show has increased in quality and in size and in its benefits to the producers of livestock and to the State of Texas, now therefore, be it

Resolved, by the Senate of Texas, That the Houston Fat Stock Show, its officers and directors be commended for the splendid work they have done in behalf of the livestock industry and the accruing benefits to the producers of livestock and the people of Texas, and that the best wishes of the Senate be extended to them for continued and even greater success in this program; be it further

Resolved, That the Houston Fat Stock Show be commended to the people of Texas as a most worthy enterprise of great benefit to the State as a whole, and that they be urged to give their support to it; be it further

Resolved, That a copy of this resolution be mailed to the President of the Houston Fat Stock Show.

The resolution was read and was adopted.

Senate Concurrent Resolution 12

Senator Beck offered the following resolution:

S. C. R. No. 12, Providing for a joint session to hear address by Chiefs of Alabama and Coushatti Indians.

Whereas, The Chiefs of the Alabama and Coushatti Indians of Polk County, together with members of these tribes, are in the halls of the Capitol; and

Whereas, These Indians have been at peace with the citizens of Texas for more than one hundred years; and

Whereas, These tribes were friends of the illustrious Sam Houston; and

Whereas, Their services to the Revolutionists were of great assistance to them; and

Whereas, They gave twenty-one men to the Army of the Confederacy; and

Whereas, Every able-bodied man in the village offered his services to the United States during the World War; and

Whereas, Our colleague, Senator Clem Fain, is the Second Chief of the Tribes; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Chief and members of the Tribes of the Alabama and Coushatti Indians be invited to address a joint session of the Texas Legislature at 11:00 a. m., February 10th, 1941, and that the Chiefs and the members of the tribes be granted the privileges of the floor of the Senate and the House of Representatives for this day.

The resolution was read and was adopted.

House Concurrent Resolution 26

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 26, Designating February 19th as Texas Statehood Day.

The President laid the resolution before the Senate, and it was read and was adopted.

Signing of Bills

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 45, A bill to be entitled "An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active federal service; and to provide for the organization, maintenance, training, and discipline thereof; and declaring an emergency."

H. B. No. 134, A bill to be entitled "An Act providing for the granting and issuance of easements or surface leases to the United States of America by the School Land Board on any island, salt water lake, bay, inlet, or marsh within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas, for any purpose essential for the national defense; retaining for the State of Texas all oil and gas and other mineral rights in and under such areas; providing that the consideration to be paid the State therefor shall be agreed upon by the School Land Board and the United States of America; subordinating all existing grass leases to such easements or surface leases; providing for the suspension of the primary and principal terms and rental obligations of existing oil and gas leases affected hereby for the duration of such easements or surface leases upon the filing of the subordination agreements by holders of such oil and gas leases; providing for notice to such oil and gas lessees of the termination of such easements or surface leases; excluding from the terms hereof all areas where oil, gas or other mineral production exists; and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

Message from the Governor

The President laid before the Senate and had read the following message:

February 10, 1941

To the Members of the Forty-Seventh Legislature:

I think that my position with reference to the financing of the Social Security obligations of this State is well known. Over and over again I have expressed the opinion that all of these obligations should be paid and should be paid in full. Many times I have stated that I believed the taxes should be raised to meet these obligations and I have ex-

pressed a willingness to accept any reasonable tax bill which will accomplish this purpose. And my opinion with reference to all of these matters remains unchanged.

I am definitely opposed to the idea of deficit financing. I believe that it is sound policy to hold the expenditures of the State within the revenue of the State. But, on the other hand, I recognize that it is within the power of the Texas Legislature, if they desire to do so, to pass appropriation bills to meet all of these bills and further expand the State deficit. I recognize the fact that many taxpayers of the State are pressing upon the Legislature the demand that no additional taxes be levied. Obviously, it is their desire to defer the payment of these obligations to some future time, on the theory that when the preparedness program is over we will be in a better position then to meet the obligations of the State than we are now.

My personal opinion is that this is absolutely unsound in theory. I believe that when the preparedness program is over, probably four or five years from now, and the artificial spending power created by the emergency expenditure of billions upon billions of federal money, that the State will face almost inevitably a period of severe depression when the demand for relief and the demand for the use of Social Security funds will be far greater than they are today and that the business of the State will probably be in a period of unprecedented depression. It is, therefore, my judgment that meeting these obligations by deficit spending is unwise, but again I recognize the fact that it is only within the province of the Governor to recommend, and if the Legislature elects to meet these obligations by deficit spending, it is within the province of the Legislature to so determine.

But, if this policy is to be followed, then I insist that there be no discrimination in the meeting of the obligations of the State. I think we should meet the obligation to teacher retirement, old age assistance, dependent children and to the blind, and we should meet them all at one time regardless of the method we adopt to meet them.

In order that the Legislature may have an opportunity to determine a

definite policy of what it wants to do in meeting these obligations, I now submit to the Legislature as emergency legislation the subject of appropriating out of the General Fund of this State, Twenty-Six Million, Eight Hundred Twenty Thousand (\$26,820,000) Dollars annually for the purpose of meeting the State's obligation to teacher retirement, old age assistance, aid to the blind and aid to destitute children. And I attach to this message and make a part of this message, a bill drafted to accomplish this purpose.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senators Sulak, Hill, Lovelady, Chadick and Formby:

S. B. No. 124, A bill to be entitled "An Act providing for the deposit of moneys to the credit of a fund to be known as the 'Social Security Account'; creating the Social Security Account in the office of the State Treasury; providing for the allocation of the funds so accumulated; repealing all laws in conflict with this Act; and declaring an emergency."

To Committee on Finance.

By Senator Van Zandt:

S. B. No. 125, A bill to be entitled "An Act to amend Title 69 of the Revised Civil Statutes of Texas, 1925, by amending Articles 4113, 4114, 4116 and 4117 of Chapter 2 of said Title 69 relating to the commencement of proceedings for the appointment of guardians of the persons and estates of minors, persons of unsound mind, habitual drunkards and persons for whom it is necessary to appoint guardians to collect funds from the Federal Government and providing the kind and character of process that shall be issued in such cases and the manner in which such process shall be served; and by amending Articles 4122 and 4123 of Chapter 3 of said Title 69 providing that certain persons shall be disqualified and shall not be appointed guardians and providing for the appointment of guardians of estates of persons adjudged insane

or habitual drunkards by courts of competent jurisdiction in other states and territories of the United States; and by amending Articles 4228 and 4229 of Chapter 10 of said Title 69 providing for the acceptance of resignations of guardians and the appointment of successor guardians upon the death, resignation or removal of guardians; and by amending Article 4272 of Chapter 12 of said Title 69 providing for the appointment of guardians of persons adjudged insane or habitual drunkards after the issuance and service of process as therein provided for and for other purposes; and declaring an emergency."

To Committee on Criminal Jurisprudence.

Senate Bill 13 on Second Reading

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 13 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 13, A bill to be entitled "An Act granting to any city in this State bordering upon the Gulf of Mexico and now or hereafter having a population of sixty thousand (60,000) or more inhabitants, as shown by the next preceding Federal Census taken before any action under such act is taken by such city, the right of use and occupancy for park purposes of tide lands and bed and waters of the Gulf of Mexico to the extent of two thousand feet from the line of ordinary high tide, in front of and between extensions of property lines of property acquired or to be acquired by such city for park purposes; giving and granting to any such city the power to declare abandoned for use as streets and highways and take, occupy and use for park purposes, lands theretofore dedicated as streets or highways which have become unfit for such use by reason of submersion by the waters of the Gulf of Mexico, or the building of a seawall, breakwater, or other structure, upon a finding by the governing body of the city of such unfitness; prohibiting the taking of any private property or interest therein without compensation; giving to the governing body of any such city full rights of management and control of tidelands and bed and waters of the

Gulf of Mexico to the extent allowed in such Act for park purposes including the right of acquiring, erecting, equipping, conducting, operating and maintaining upon, over and into such tidelands and waters and bed of the Gulf of Mexico a pier extending from the shore with structures thereon to provide facilities for recreation, amusement, comfort and assemblies of the public; prohibiting the operation and maintenance of more than one such pier by any city; etc.; and declaring an emergency."

The bill was read second time.

Senator Stone offered the following committee amendments to the bill:

(1)

Amend S. B. No. 13 by adding the following paragraph immediately after the first paragraph on page 4:

"The right of use and occupancy granted herein is upon the express condition that the State of Texas shall retain all of the oil, gas and other mineral rights in and under any of the land which it owns affected hereby."

(2)

Amend S. B. No. 13, Section 1 thereof, by adding the following after the word "construct" in the fifth line of the second paragraph of such section: "Repair, enlarge, extend, improve and remodel."

(3)

Amend S. B. No. 13, Section 3 thereof, by adding the following immediately after the word "act" in the second line on page 6: "may borrow money and"

(4)

Amend S. B. No. 13, by adding the following paragraph at the end of Section 4 thereof:

"The governing body of the city is hereby authorized to provide by ordinance for the issuance of revenue refunding bonds of the city for the purpose of refunding any revenue bonds issued under the provisions of this Section and then outstanding, together with accrued interest thereon. The issuance of such revenue bonds, the maturities and all other details thereof, the rights of the holders thereof and the duties of the city in respect to the same, shall be governed by the provisions of this Act insofar as the same may be applicable."

(5)

Amend S. B. No. 13, by adding the following immediately after the first paragraph of Section 4 thereof: "All bonds issued under the authority of this Section shall be made payable to bearer or the order of a named payee and shall be negotiable instruments and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of this State, but shall be payable solely from the special fund herein provided and shall be additional and secured by the mortgage and franchise above authorized. Such bonds shall bear such interest not exceeding six per cent (6%) per annum, have such dates and such maturities serially or otherwise not exceeding forty (40) years from their dates, be in such denominations and be payable as to principal and interest at such places which may be at any bank, either within or without the State, in such medium of payment, contain such provisions for redemption prior to maturity and be in such form with interest coupons in such form as the governing body of the city may determine. No such bond or interest coupon bearing the signature or facsimile signature of any official of the city duly authorized to sign the same at the time such signature may be actually affixed thereto, shall be invalid by reason of such official ceasing to hold office prior to the delivery of such bond, or not having held office on the date of such bond. Interest on such bonds may be made payable in such manner as the governing body of the city may prescribe and any interest coupons may bear facsimile signatures. Such bonds may in the discretion of the governing body of the city be made registerable as to principal and interest, or as to principal only, under such terms as the governing body may prescribe or may be issued not subject to registration."

(6)

Amend S. B. No. 13 by adding a new Section No. 7, immediately ahead of the present Section No. 7 to read as follows:

"The provisions of this Act shall be deemed to provide additional and alternative methods of doing the things herein authorized and shall be regarded as supplemental and additional to powers conferred by other

laws and shall not be regarded as in derogation of any powers now existing, or which may hereafter be conferred by law."

(7)

Amend S. B. No. 13 by changing the number of the last Section from "7" to "8".

The committee amendments (1) through (5) were adopted severally.

Question — Shall the (committee) amendment (6) be adopted?

Senate Resolution 35

Senator Cotten, by unanimous consent, offered at this time, the following resolution:

Be It Resolved by the Senate of the State of Texas, That the Hon. Tom King, State Auditor, be requested to appear before the Committee of the Whole Senate at 11:00 a. m. Tuesday instead of 11:00 a. m. today.

The resolution was read, and by unanimous consent it was considered immediately.

The resolution was adopted.

Message from the House

Mr. Worth Ware, a Clerk of the House, was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 12, Inviting Chiefs and members of the Tribes of the Alabama and Coushatti Indians to address a joint session of the Texas Legislature at 11:00 a. m., February 10, 1941, and granting privileges of the floor of the Senate and House to Chiefs and members of the Tribe for the day.

H. B. No. 216, A bill to be entitled "An Act amending Section 1 of Article 1269h, R. C. S. of Texas, by removing certain restrictions on the number of acres of land which may be owned by cities and counties for airport purposes; and declaring an emergency."

H. B. No. 234, A bill to be entitled "An Act validating the incorporation of all cities and towns in Texas of

five thousand (5,000) inhabitants or less heretofore incorporated and/or attempted in good faith to be incorporated under the general laws of Texas; providing that the incorporation of such cities and towns shall not be held invalid on account of irregularities in ordering the incorporation election, election proceedings and/or canvassing returns and declaring result thereof; and validating all governmental proceedings performed in good faith by the governing bodies of such cities and towns since their incorporation or attempted incorporation respectively; and declaring an emergency."

H. B. No. 165, A bill to be entitled "An Act granting to the City of Corpus Christi, Texas, all right, title and interest of the State of Texas to certain land hitherto submerged by the waters of Corpus Christi Bay; ratifying and confirming exchanges and conveyances of property within the area of certain private owners; reserving the minerals unto the State; declaring that the Act shall be cumulative of former grants and authorities; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act validating certain County Line Independent School Districts; providing for the continuance in office of the Board of Trustees of such County Line Independent School Districts as same existed immediately prior to increasing the area of such districts, until the expiration of the respective terms of the members thereof, and providing that their successors shall be elected as provided by the General Laws for the election of trustees in County Line Independent School Districts incorporated for school purposes only; providing for the validating of all acts of the Board of Trustees of any such County Line Independent School District in connection with the ordering of an election or elections and declaring the results thereof, and in attempting or purporting to levy taxes for and on behalf of such County Line Independent School District with its increased area and providing for the validating of all contracts and other acts of such Board of Trustees, otherwise legal, heretofore made on behalf of such district with increased territory; providing that nothing in this Act shall in any wise affect any local maintenance tax or taxes for bonded purposes heretofore voted on

any part of the territory included within the bounds of any such County Line Independent School District within the increased area; and declaring an emergency."

H. B. No. 208, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact; and declaring an emergency."

H. B. No. 241, A bill to be entitled "An Act authorizing the trustees of the Crosbyton Independent School District in Crosby County, Texas, to borrow money in a sum not to exceed ten thousand dollars for the purpose of supplementing money on hand with which to pay outstanding obligations and to refinance and liquidate outstanding and past due indebtedness of said district, and to issue interest bearing time warrants therefor, without an election; prescribing the terms and conditions for the issuance of said time warrants; providing for the levying of a tax to pay same; prescribing the terms and conditions and the rate of interest of said time warrants; and declaring an emergency."

H. B. No. 250, A bill to be entitled "An Act to fix the minimum rate of tax to be levied for school purposes in the Crosbyton Independent School District in Crosby County, Texas, for the purpose of maintenance, payment of bonded indebtedness, and payment of such time warrants as may be legally authorized and issued by said district; and declaring an emergency."

H. B. No. 259, A bill to be entitled "An Act amending Chapter 73, General Laws of the Regular Session of the Forty-fourth Legislature so as to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census has a population of not fewer than five thousand, eight hundred and fifteen (5,815) and not more than five thousand, eight hundred and thirty-five (5,835) inhabitants, whether organized under General or Special Law; and declaring an emergency."

H. B. No. 266, A bill to be entitled "An Act amending Section 9, Chapter 14, of the Acts of the Thirty-

seventh Legislature, Special Laws of the First Called Session, S. B. No. 79, so as to give compensation to the members of the Board of Equalization of the Mineral Wells Independent School District; and declaring an emergency."

H. B. No. 304, A bill to be entitled "An Act applying only to independent school districts in counties having a population of not less than three thousand, seven hundred fifty (3,750) and not more than three thousand, eight hundred fifty (3,850) according to the last preceding Federal Census; authorizing said school districts to fund into time warrants all outstanding obligations of said school districts which existed on July 1, 1940; prescribing the terms and conditions of issuance of said time warrants; authorizing said school districts to borrow money in a sum not to exceed Seven Thousand (\$7,000.00) Dollars with which to pay certain outstanding obligations; providing for the levying of a tax to pay the same and fixing the rate of interest thereon; prescribing the terms and conditions of said time warrants; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Joint Session

At 11:00 o'clock a. m., the President announced the arrival of the hour for a joint session to hear addresses by the Chiefs of the Alabama and Coushatti Indian Tribes.

Accordingly, the Senate repaired to the Hall of the House, and the two houses assembled in joint session.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

The President announced the purpose of the joint session and called the Senate to order at 11:10 o'clock a. m.

The roll of the Senate was called, and a quorum announced present.

Speaker Leonard called the House to order, and requested the members of the House to register present.

A quorum of the House was announced present.

The Chiefs and members of the Tribes of the Alabama and Coushatti Indians were announced at the Hall

of the House, and were duly admitted and escorted to the Speaker's stand.

Governor W. Lee O'Daniel was announced at the bar of the House and was duly admitted and escorted to the Speaker's stand by Representatives Anderson, Coker, Kelly, Sallas, and Knight.

Speaker Leonard presented Hon. Clem Fain, Second Chief of the Alabama and Coushatti Tribes, who addressed the joint session and presented Chief Tic-ca-I-che, who also addressed the joint session in his own language.

Members of the tribe then gave various songs and dances in conjunction with a ceremony in which Governor O'Daniel, Lieutenant Governor Stevenson, and Speaker Leonard were inducted by Chief Clem Fain as active and ruling Chiefs of the Tribes for today.

At the conclusion of the joint session, the Senate repaired to its Chamber.

In the Senate

The President called the Senate to order at 11:45 o'clock a. m.

Senate Resolution 36

Senator Metcalfe by unanimous consent, offered the following resolution:

Whereas, Honorable Guinn Williams, a former member of the Senate and former member of Congress is in the city; therefore, be it

Resolved, That he be extended the privilege of the floor of the Senate at this time.

METCALFE,
KELLEY.

The resolution was read and was adopted.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 259, to Committee on Education.

H. B. No. 304, to Committee on Education.

H. B. No. 250, to Committee on Education.

H. B. No. 266, to Committee on Education.

H. B. No. 241, to Committee on Education.

H. B. No. 165, to Committee on Public Lands and Land Office.

H. B. No. 234, to Committee on Civil Jurisprudence.

H. B. No. 216, to Committee on Civil Jurisprudence.

H. B. No. 208, to Committee on Mining, Irrigation and Drainage.

H. B. No. 207, to Committee on Education.

Senate Bill 13 on Engrossment

The Senate resumed consideration of S. B. 13, relative to use of tidal lands for park purposes, on its passage to engrossment; with committee amendments (6) and (7) pending.

Question first recurring on (committee) amendment (6), it was adopted.

Question next recurring on (committee) amendment (7), it was adopted.

On motion of Senator Stone, the caption of the bill was ordered amended to conform to the body of the bill as amended.

The bill as amended then was passed to engrossment.

Senate Bill 13 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Chadick	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Chadick Spears

Consideration of Senate Bill 28

Senator Lovelady moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 28 at any time during the remainder of the regular session of the Forty-seventh Legislature.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Chadick Spears

Advance Printing of Senate Bill 95

On motion of Senator Van Zandt, it was ordered that S. B. No. 95 be printed in advance of its consideration in committee.

Recess

On motion of Senator Metcalfe, the Senate, at 11:55 o'clock a. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 34, Providing for a joint session to hear the A Cappella Choir of the North Texas State Teachers College.

H. C. R. No. 35, Authorizing the State Highway Department of Texas to lend to the School Board of the City of Weatherford, Parker County, sufficient quantities of the discarded wire stored in its warehouse for the purpose of fencing in grounds for athletic meets.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Committee Substitute Senate Resolution 21

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C. S. S. R. No. 21, To adopt Senate rules pursuant to Section 5, Article 3 of the Constitution.

The President laid the resolution before the Senate.

On motion of Senator Metcalfe, further consideration of the resolution was passed over temporarily.

Reference of Resolution

H. C. R. No. 35, received from the House today, was laid before the Senate and was read and referred to the Committee on Public Buildings and Grounds.

House Concurrent Resolution 34

The President laid before the Senate:

H. C. R. No. 34, Inviting A Cappella Choir of North Texas State Teachers College to sing at a joint session of the Legislature.

The resolution was read.

On motion of Senator Hill, and by unanimous consent, the resolution was considered immediately and was adopted.

Signing of Resolution

The President signed in the presence of the Senate after its caption had been read, the following resolution:

S. C. R. No. 12, Providing for a joint session of the Legislature to hear addresses by the Chiefs and members of the Alabama-Coushatti Indian Tribes.

Committee Substitute Senate Resolution 22

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C. S. S. R. No. 22, To adopt permanent rules of the Senate of the Forty-seventh Legislature.

The President laid the resolution before the Senate.

Senator Hill offered the following amendment to the resolution:

Amend Rule 98 by adding a new sentence at the end thereof:

"All members of the Senate shall be free to attend committee hearings, public or executive, and they shall have the right to interrogate witnesses and be accorded all privileges and courtesies extended members of the committee, except the right to make motions and to vote upon the report to be made."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—23

Aikin	Hazlewood
Beck	Hill
Brownlee	Isbell
Cotten	Kelley
Fain	Lanning
Formby	Lemens
Graves	Lovelady

Mauritz
Metcalf
Moffett
Moore
Ramsey

Stone
Sulak
Vick
Winfield
York

Nays—5

Martin
Shivers
Smith

Van Zandt
Weinert

Absent—Excused

Chadick

Spears

Senator Hill offered the following amendment to the resolution:

Amend Rule 100 so that the same shall hereafter read as follows:

"100. If a motion to report a bill or resolution does not receive a majority vote, the bill or resolution shall be dead. Likewise, if a motion to report a bill or resolution unfavorably receives a majority vote, the same shall be dead. When a bill or resolution has been killed by a committee, a favorable minority report may be made by a member of the committee, if the committee is composed of ten or less, and two members if composed of more than ten, present at the time the bill is killed, and who voted on the minority side; this report must be in writing, and signed by the members giving notice, and must be filed with the Senate within two calendar days from the time such action was taken by the committee (Sundays and days the Senate is not in session excepted). Unless one of the members signing the minority report or the sponsor of the bill makes a motion in the Senate to have the same substituted for the majority report within five calendar days (Sundays and days the Senate is not in session excepted) from the time said minority report was filed with the Senate, said bill or resolution shall be dead, and shall not again be considered during the session.

"It shall take the affirmative vote of a majority of the members of the Senate present to substitute the minority for the majority report, provided that any motion to substitute the minority for the majority report shall be privileged."

Senator Mauritz called for a division of the amendment.

Senator Van Zandt moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—18

Beck	Moore
Brownlee	Ramsey
Formby	Shivers
Hazlewood	Smith
Isbell	Stone
Kelley	Van Zandt
Lovelady	Weinert
Martin	Winfield
Moffett	York

Nays—9

Aikin	Lemens
Cotten	Mauritz
Graves	Metcalf
Hill	Vick
Lanning	

Absent

Fain	Sulak
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Absent—Excused

Chadick	Spears
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Senator Hill offered the following amendment to the resolution:

Amend committee substitute for S. R. No. 22 by adding a new rule to be numbered 93a to read as follows:

"93a. During the deliberations of the Senate, strict order shall be maintained. The members shall remain in their seats, refrain from loud conversation and from gathering in groups on the floor of the Senate. No member shall dictate mail at his desk while the Senate is in session. Upon a transgression of the rule a member may direct the attention of the Chair to such transgression, request order by requesting that Rule 93a be invoked, whereupon the Chair shall delay proceedings until order is obtained, and shall direct the Sergeant-at-Arms to restore and maintain order."

Senator Moore moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17

Brownlee	Lemens
Cotten	Martin
Formby	Metcalf
Graves	Moffett
Kelley	Moore

Shivers	Weinert
Stone	Winfield
Van Zandt	York
Vick	

Nays—11

Aikin	Lovelady
Beck	Mauritz
Hazlewood	Ramsey
Hill	Smith
Isbell	Sulak
Lanning	

Absent

Fain

Absent—Excused

Chadick	Spears
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Senator Brownlee moved to reconsider the vote by which the amendment by Senator Hill, adding a new provision to Rule 98, was adopted.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

Yeas—14

Brownlee	Shivers
Formby	Smith
Hazlewood	Stone
Kelley	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	York

Nays—12

Aikin	Lemens
Beck	Lovelady
Graves	Mauritz
Hill	Metcalf
Isbell	Ramsey
Lanning	Vick

Present—Not Voting

Cotten

Absent

Fain	Sulak
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Absent—Excused

Chadick	Spears
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Question—Shall the amendment to Rule 98 by Senator Hill be adopted?

Senator Van Zandt moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15

Brownlee	Hazlewood
Formby	Kelley

Martin	Stone
Moffett	Van Zandt
Moore	Weinert
Ramsey	Winfield
Shivers	York
Smith	

Nays—12

Aikin	Lanning
Beck	Lemens
Cotten	Lovelady
Graves	Mauritz
Hill	Metcalfe
Isbell	Vick

Absent

Fain	Sulak
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Absent—Excused

Chadick	Spears
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Senator Martin offered the following amendment to the resolution:

Amend S. R. No. 22 by striking out the word "not" appearing immediately after the word "persons" in line 2 of Rule 92, Sub-section 7, and inserting in lieu thereof the word "except", and further by striking out in the same line the word "or" appearing after the word "Senate" and inserting in lieu thereof the word "and".

The amendment was adopted.

Senator Moore offered the following amendment to the resolution:

Amend the committee substitute, page 7, Subsection (5) by striking out the words: "at all times, other than morning sessions".

The amendment was adopted.

Senator Kelley offered the following amendment to the resolution:

Amend committee substitute for S. R. No. 22, Rule 100, by inserting after the word "given" in the third sentence of said rule, the following: "by one member of the committee, if the committee is composed of five or less, and" and by striking out the words "or less" where it first occurs in the second sentence of this rule, and insert in lieu thereof the following: "and more than five."

The amendment was lost.

Senator Moore offered the following amendment to the resolution:

Amend committee substitute for S. R. No. 22 by striking out all of Rule 62 thereof and inserting in lieu the following:

"62. (a) A vote of two-thirds of all members present shall be required to:

"(1) Excuse absentees.

"(2) Adopt an amendment to a bill on third reading.

"(3) Postpone or change the order of business.

"(4) Suspend any rule of the Senate unless otherwise provided in these rules, in which case it shall require the vote so provided.

"(Note: Rules 62 and 64 of the Forty-fifth and Forty-sixth Legislatures are hereby superseded by the foregoing Rule 62.)"

Senator Martin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Brownlee	Mauritz
Hill	Metcalfe
Isbell	Shivers
Kelley	Smith
Lanning	Stone
Lemens	Van Zandt
Lovelady	Winfield
Martin	York

Nays—10

Aikin	Hazlewood
Beck	Moffett
Cotten	Moore
Formby	Vick
Graves	Weinert

Absent

Fain	Ramsey
Sulak	

Absent—Excused

Chadick	Spears
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Senator Moffett offered the following amendment to the resolution:

Amend Rule 38 by striking out said rule, and inserting in lieu thereof the following:

"All amendments proposed to the Constitution shall be subject to rules that govern the proceedings on bills, but shall only be passed by a vote of two-thirds of the members elected to the Senate (See Constitution, Art. XVII, Sec. 1.) When a resolution proposing an amendment to the Constitution has once received the votes of two-thirds of the members elected

to the Senate, it shall be declared adopted. When a proposed amendment to the Constitution may be under consideration, the votes of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions short of the final question."

Pending consideration of the amendment, Senator Moore occupied the chair temporarily.

(President in the Chair.)

Yeas and nays were demanded on the amendment, and it was lost by the following vote:

Yeas—8

Beck	Lovelady
Brownlee	Moffett
Hazlewood	Moore
Hill	Smith

Nays—18

Aikin	Martin
Cotten	Metcalf
Fain	Shivers
Formby	Stone
Graves	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Absent

Mauritz	Ramsey
Sulak	

Absent—Excused

Chadick	Spears
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Senator Hill offered the following amendment to the resolution:

Amend S. R. No. 22 by adding a new rule as follows:

"All deliberations on nominations of the Governor shall be by the Committee of the Whole Senate, setting in executive session. All votes on the nominations of the Governor shall be in open session of the Senate. Each member shall have the right to state publicly the reason for his vote."

"Any rule to the contrary is hereby repealed."

Senator Shivers moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—20

Beck	Metcalf
Brownlee	Moffett
Cotten	Smith
Fain	Spears
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

Nays—6

Aikin	Hill
Formby	Lemens
Graves	Lovelady

Absent

Moore	Sulak
Ramsey	

Absent—Excused

Chadick	Shivers
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Senator Shivers offered the following amendment to the resolution:

Amend Rule 70, Section 30 by striking out said section and substituting therefor the following:

"Section 30. A Committee on Oil, Gas and Conservation."

The amendment was adopted.

Senator Cotten offered the following amendment to the resolution:

Amend committee substitute for S. R. No. 22 by adding a new section reading as follows:

"Rule 38a. When a joint resolution has failed of adoption on third reading it shall not be again considered during that session."

The amendment was adopted.

Senator Metcalfe offered the following amendment to the resolution:

Amend committee substitute for S. R. No. 22 by adding at the end thereof the following:

"The Committee on Rules is authorized, when the new manual is prepared, to re-group and re-number the permanent rules of the Senate."

The amendment was adopted.

The resolution as amended then was adopted.

Senator Van Zandt moved to reconsider the vote by which C. S. S. R. No. 22 was adopted.

On motion of Senator Shivers, the motion to reconsider was tabled.

On motion of Senator Metcalfe and by unanimous consent, the resolving clause of the resolution was corrected by adding the following after the word "Rules" therein: "Nos. 1 to 101, inclusive."

Relative to Consideration of Senate Bill 124

At 5:20 o'clock p. m., Senator Hill moved that S. B. No. 124 (relative to creation of a special social security account) be re-referred from the Committee on Finance to the Committee of the Whole Senate and that the Senate resolve itself into the Committee of the Whole at 5:22 o'clock p. m. today to consider the bill.

Senator Moore moved to table the motion of Senator Hill to re-refer.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12

Beck	Moore
Brownlee	Shivers
Cotten	Van Zandt
Fain	Weinert
Kelley	Winfield
Martin	York

Nays—15

Aikin	Lovelady
Formby	Mauritz
Graves	Metcalfe
Hazlewood	Moffett
Hill	Ramsey
Isbell	Smith
Lanning	Vick
Lemens	

Absent

Stone	Sulak
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Absent—Excused

Chadick	Spears
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Question then recurring on the motion of Senator Hill, yeas and nays were demanded.

The vote on the motion was announced: Yeas 14, Nays 14.

The President voted nay, and the motion was lost by the following vote:

Yeas—14

Aikin	Lemens
Formby	Lovelady
Graves	Mauritz
Hazlewood	Metcalfe
Hill	Moffett
Isbell	Ramsey
Lanning	Vick

Nays—15

Mr. President	Shivers
Beck	Smith
Brownlee	Stone
Cotten	Van Zandt
Fain	Weinert
Kelley	Winfield
Martin	York
Moore	

Absent

Sulak

Absent—Excused

Chadick	Spears
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Senator Hill moved that the Committee on Finance be instructed to report S. B. No. 124 back to the Senate not later than 11:00 o'clock a. m. on Thursday, February 13, 1941.

The motion was lost by the following vote:

Yeas—5

Graves	Lovelady
Hill	Vick
Lemens	

Nays—23

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Weinert
Lanning	Winfield
Martin	York
Mauritz	

Absent

Sulak

Absent—Excused

Chadick	Spears
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Senate Bill 37 Tabled

On motion of Senator Brownlee, S. B. No. 37 was tabled.

Committee Substitute Senate Resolution 21

The President laid before the Senate for consideration at this time:

C. S. S. R. No. 21, to adopt certain permanent rules pursuant to Section 5 of Article 3 of the Constitution.

Senator Metcalfe offered the following amendment to the resolution.

Amend the resolving clause of the committee substitute for S. R. 21 by striking out after the figures "107" the following: "of the Forty-sixth Legislature."

The amendment was adopted unanimously.

The resolution then was adopted by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent

Sulak

Absent—Excused

Chadick Spears

Senate Concurrent Resolution 11

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 11, To adopt permanent joint rules of the Forty-seventh Legislature.

The President laid the resolution before the Senate, and it was read and it was adopted.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time and referred by the President to the committee indicated:

By Senator Van Zandt:

S. B. No. 126, A bill to be entitled "An Act authorizing trustees of common school districts and consolidated common school districts to make contracts with superintendents, principals, and teachers, with the approval of the county superintendent; providing for the length of time of such employment; providing that no contract may be signed until the newly elected trustees have qualified and taken the oath of office, and declaring an emergency."

To Committee on Education.

Adjournment

On motion of Senator Cotten, the Senate at 5:50 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

SEVENTEENTH DAY

(Tuesday, February 11, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.